



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400791
Applicant Name: Neal Thompson for John Lash
Address of Proposal: 11762 Riviera Place N.E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future change of 230 sq. ft. of storage room space to garage (storage area is within the principal structure and was approved under DPD permit #743014). Project includes a two foot addition of height to the existing retaining wall on the northwest side of the site.

The following approvals are required:

Variance – To allow two 10’0” curbcuts on a lot with less than 80’0” of street frontage (Seattle Municipal Code Section 23.54.030F1a). *Allowance: one curbcut permitted – Proposed: two 10’0” curbcuts.*

Variance – To allow less than the required distance between two curbcuts (Seattle Municipal Code Section 23.54.030F1d). *Requirement: 30’0” between curbcuts – Proposed: 4.5’ between curbcuts.*

Variance – To allow a retaining wall to exceed the maximum height limit in a required yard (Seattle Municipal Code Section 23.44.014D10c). *Allowance 6’0” – Proposed 8’0”.*

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The subject property is zoned Single Family-5000 (SF-5000) and is located on the western shore of Lake Washington. It has frontage along Riviera Place NE which is adjacent to the Burke Gilman Trail. The lot is sixty (60') wide, and the dry land portion is approximately 4,170 sq. ft. The shoreline environment of the dry land portion of the lot is Urban Residential (UR).

Riviera Place NE is a narrow, substandard right-of-way and is approximately ten (10) feet in width at this location. Because of the narrow width of Riviera Place NE, on street parking is very limited in the area of the subject property. The street is paved but is not improved with curbs or sidewalks. Development in the vicinity consists of one, two, and three story residences, many of which are built very close to the front property lines.

Proposal Description

The proposed project includes creating a parking space within a portion of the principal structure and addition of two feet to an existing retaining wall on the northwest side of the property.

Public Comment

No public comment letters were received during the comment period, which ended on April 7, 2004.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

Response to Criterion 1 Side Yard Variance.

The amount of dry land (4170 sq. ft.) is an unusual condition which was not created by the owner or applicant. The existing retaining wall is adequate for construction of the residence but the applicant wishes to build a higher wall to create a level surface in order to use this area for garbage and recycling storage. The current proposal is to remove the garbage and recycling area to provide for a garage. In this respect the applicant or owner has created their own hardship by removing the storage area to create additional parking. There have been variances along Riviera granted for the construction of the principal structure in the side yard but these were generally granted for additions to structures that were already within the side yard setback. The new structure will meet all setback requirements and the retaining wall is not an integral part of the construction, therefore, the strict application of the Land Use

Code would not deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

Response to Variance Criterion 1 for the Curbcut Quantity and Separation

On street parking is very limited along Riviera Pl. NE due to the narrow width of the right-of-way (approximately 10'0" at this location). Formal pedestrian access (e.g. sidewalks) is not provided on Riviera due to the width of the right-of-way. However, the Burke-Gilman trail is immediately west of Riviera, providing both pedestrian and non-motorized access. Access to the trail is only provided in limited areas. Parking along Riviera and in the surrounding area is limited because of the width of the right of way and by users of the Burke-Gilman Trail. The applicant is proposing two 10'0" access points (curbcuts) to access one two-car garage and one one-car garage. These curbcuts will be separated by approximately 4.5". During a site visit it was observed that between the blocks of 112th and 124th there were approximately 9 homes with permitted parking providing for three or more vehicles. These homes have access points greater than 10'0" in width (where curbcuts would be located if there were curbs). Granting the variances would allow the property owner to provide three parking spaces, more than the minimum requirement of one space for a single-family residence, thereby addressing the limited street parking. It would also allow this property owner to achieve an amount of parking on the lot that is similar to that enjoyed by other homes in the same zone or vicinity.

Narrow lots characterize Riviera Pl. NE with limited permissible building depths due to the location of existing bulkheads and shoreline setback lines. The location of the existing two car garage and the proposed additional garage are not located within any required yards but because of the location of the setback will require an additional curb cut in order to maneuver into the right of way. Curbs and sidewalks are not likely to be built in this portion of Riviera Place NE because of the limited width of the right of way.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

Response to Variance Criterion 2 for Side Yard

The proposal includes adding an additional two feet in height to an existing retaining wall (creating a wall that is 6'6" on the low side and 8'0" on the high side) in order to create space for garbage and recycling storage. Though other variances have been granted allowing stairs and portions of principal structures in the side yard, storage for garbage and recycling space is being removed from the structure in order to provide another parking space. The garbage and recycling can be located within the new garage space at the most easterly portion of the new garage area where there appears to be an approximately 3' deep by 5' wide space. Therefore granting the additional height for the retaining wall will constitute a grant of special privilege inconsistent with the limitation upon other properties in the zone and vicinity and go beyond the minimum necessary to afford relief.

Response to Variance Criterion 2 for the Curbcut Quantity and Separation

The granting of the variances would provide the minimum relief necessary to allow the homeowners to park three vehicles on site rather than park some distance away.

Riviera Place N.E. is characterized by a majority of homes with parking for one, two or more vehicles in garages, carports, or surface areas. A visit to the site along with pictures submitted by the applicant revealed examples of homes in the vicinity where the access to existing parking is provided over points which either exceeds the allowable width of 10'0" for a curbcut or the minimum 30' is not provided between access points (curbcuts). Many of the neighbors have two car garages and some have three car garages or surface parking for three or more vehicles. Therefore, the variances for curbcut quantity and width would not constitute a grant of special privileges in the same zone or vicinity.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

Response to Variance Criterion 3 for all Variances

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The public welfare will likely be improved by reducing parking off of a narrow undersized right-of-way, enabling the opportunity for better circulation of vehicles within the right of way in the immediate area.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

Response to Variance Criterion 4 for Side Yard

The owner wishes to use the side portion of the house for garbage and recycling which is being removed from the structure to make room for the garage. Although additional off street parking allows for better circulation along this very narrow right of way, removal of the garbage and recycling area within the house to provide for another parking space is a hardship created by the owner. The literal interpretation and strict application of the Land Use Code does not cause any undue hardship or practical difficulties, as the garbage and recycling can be accommodated within the existing structure.

Response to Variance Criterion 4 for the Curbcut Quantity and Width

The literal interpretation and strict application of the applicable provisions and requirements of the Land Use Code denies the property owner the ability to have two curbcuts on a lot with less than 80'0" of frontage and with less than the required 30'0" between them. Homes along Riviera Pl. NE enjoy waterfront open space due to the adjacency of the lots to Lake Washington. Structures therefore, are massed closer to the street rather than centered on the lot. This in effect creates a hardship when trying

to provide additional parking on the site. Because this area has such limited parking in addition to available parking being used by users of the Burke-Gilman Trail, the literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code would cause practical difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The additional retaining wall height requested would not be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies as the height of retaining walls are limited in order to reduce the bulk of retaining walls protecting fill in required yards. The additional curb cut as proposed is in character with the surrounding development and preserves the existing neighborhood character. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of these variances.

DECISION - VARIANCE

The request for a variance to allow a retaining wall to exceed the maximum height limit in a required yard (Seattle Municipal Code Section 23.44.014D10c) is **DENIED**.

The request for a variance to allow two 10'0" curbcuts on a lot with less than 80'0" of street frontage (Seattle Municipal Code Section 23.54.030F1a) is **APPROVED**.

The request for a variance to allow less than the required distance between two curbcuts (Seattle Municipal Code Section 23.54.030F1d) is **APPROVED**.

Signature: (signature on file) Date: December 2, 2004
Lori Swallow, Land Use Planner
Department of Planning and Development